

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:
Victor Tantillo
Debtor
-----X : CASE NO.: 18-22744
: CHAPTER: 13
: HON. JUDGE.:
: ROBERT D. DRAIN
: HEARING DATE:
: July 25, 2018

NOTICE OF OBJECTION TO CONFIRMATION OF PLAN

PLEASE TAKE NOTICE that SN Servicing Corporation, as servicer for U.S. Bank Trust National Association as Trustee of Chalet Series III Trust ("Secured Creditor), the holder of a mortgage of the debtor(s), by and through its undersigned attorneys hereby objects to the confirmation of the Chapter 13 Plan on grounds including:

1. Debtor(s) plan fails to provide for the claim of Secured Creditor. The objecting creditor is due arrears of approximately \$ \$137,116.83, which will be set forth in the Proof of Claim to be filed prior to bar date.
2. Debtor(s) plan as proposed appears to contemplate that there will be no cure for the prepetition arrears of Secured Creditor unless or until a loan modification is achieved. The requirements of 11 U.S.C. § 1322(d)(2) do not provide for payment over a period longer than 5 years. Moreover, the debtor(s) are obligated to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322 (b)(5). Accordingly, in the event that the ongoing loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C. § 1325(a)(1).
3. Debtor(s) proposed plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith.
4. Debtor(s) proposed plan does not provide that Secured Creditor retain its lien.
5. Debtor(s) proposed plan is not feasible.

6. Debtor(s) plan fails to account for all post-petition payments required to be made by the Debtor, including but not limited to, monthly mortgage payments, taxes and property insurance.
7. Debtor(s) proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

FRIEDMAN VARTOLO LLP
Attorneys for SN Servicing Corporation, as
servicer for U.S. Bank Trust National
Association as Trustee of Chalet Series III
Trust
85 Broad Street Suite 501
New York, New York 10004
By: /s/ Adam J. Friedman

Adam J. Friedman, Esq.

Date: July 24, 2018

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CERTIFICATION OF SERVICE

On July 24, 2018, I served a true copy of the annexed **NOTICE OF OBJECTION TO CONFIRMATION OF PLAN** by mailing the same by First Class Mail in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee, and the property address as indicated on the attached Service List annexed hereto.

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